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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,753	04/25/2001	Otti Aho	460-010296-US(PAR)	8264
7590 Clarence A. Green Perman & Green, LLP 425 Post Road Fairfield, CT 06430				
04/24/2009				
EXAMINER				
NAWAZ, ASAD M				
ART UNIT		PAPER NUMBER		
2455				
MAIL DATE		DELIVERY MODE		
04/24/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/842,753

**Applicant(s)**

AHO ET AL.

**Examiner**

ASAD M. NAWAZ

**Art Unit**

2455

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responsive to the amendment received 7/14/08. Claims 1, 9, and 17 were amended. No new claims were added. No claims have been canceled. Accordingly, claims 1-17 are pending.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9-16 are rejected under 35 USC 112, 2<sup>nd</sup> paragraph. Applicant asserts that the claim element **“a communication network for transmitting information”** is a means (or step) plus function limitation that invokes 35 U.S.C. 112, sixth paragraph. However, it is unclear whether the claim element is a means (or step) plus function limitation that invokes 35 U.S.C. 112, sixth paragraph, because **means for** or **step for** was not specifically recited. If applicant wishes to have the claim limitation treated under 35 U.S.C. 112, sixth paragraph, applicant is required to:

(a) Amend the claim to include the phrase “means for” or “step for” in accordance with these guidelines: the phrase “means for” or “step for” must be modified by functional language and the phrase must **not** be modified by sufficient structure, material, or acts for performing the claimed function; or

(b) Show that the claim limitation is written as a function to be performed and the claim does **not** recite sufficient structure, material, or acts for performing the claimed function which would preclude application of 35 U.S.C. 112, sixth paragraph. For more information, see MPEP § 2181.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-17 are rejected under 35 U.S.C. 103(a) as being anticipated by Preston et al, USPGPUB 2002/0032853, (hereafter Preston) further in view of Olofsson et al (USPAT 6647265).**

As per claim 1, Preston teaches a method for transmitting information between applications executed in a first and a second data transmission device in a data transmission system (abstract, Fig 2a and 2b)

using a data transmission protocol in the information transmission (0035,0046)

entirely forming messages from the information to be transmitted without using information from other layers, by an application layer of a protocol stack of the first data transmission device, said entirely formed messages being different from said information to be transmitted (Figs 1, 2A-B, 0013, 0036, 0040-0042)

performing one or more protocol conversions in the protocol stack for said entirely formed messages to form frames of a lower layer of said protocol stack (abstract, 0040-0042)

transferring the frames to a physical layer of said protocol stack for transmission (0036)

and transmitting the frames between the first data transmission device and the second transmission device(0040-0042).

However, Preston does not explicitly disclose using a bearer specified by the second data transmission device.

Olofsson teaches using a bearer specified by the second data transmission device. (see abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Olofsson into those of Preston to make the system more efficient. By allowing a user to specify the preferred bearer, a greater efficiency can be achieved.

Claims 9 and 17 are rejected by similar rationale as claim 1.

As per claims 2-3 and 10-11, Preston teaches transmitting at least two types of components in the messages, wherein the messages contain information on the type of the message transmitted in the message (abstract, 0013); a header field, on the basis of which the type of the message is determined (0040).

As per claims 4 and 12, Preston does not explicitly teach dividing said header field at least into first and second different parts, wherein the first part is used in all messages and the second part is used, if necessary, in the transmission of the typespecific information of the message transmitted in the message (0017, 0049).

As per claims 5 and 13, Preston teaches providing messages with a data field to transmit information produced in the application (0036).

As per claims 6 and 14, Preston teaches using the protocol stack at least a session layer between the application layer and the physical layer (Fig 2A) in which the protocol used therein contains data frames, containing at least a header field and a data field (data packet contains header and data fields), wherein the method further comprises transferring messages produced in the application layer to the data field of the data frames of the session layer (0040-0042).

As per claims 7 and 15, Preston teaches the method and apparatus according to claims 1 and 9 comprising using WAP at least partly as the data transmission system (0035,0046).

As per claims 8 and 16, Preston teaches using the Internet data transmission network at least partly used as the data transmission system (0060).

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Asad M Nawaz/

Examiner, Art Unit 2455